

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO. 1:08cr212-01

v.

HON. ROBERT J. JONKER

MICHAEL CLARK,

Defendant.

/

**ORDER DENYING MOTION FOR SENTENCE REDUCTION**

This matter is before the Court on defendant's Motion for Modification or Reduction of Sentence under 18 U.S.C. §3582(c)(2) (docket#106). Based on a review of defendant's motion, The Sentence Modification Report (SMR), the responses by the defendant and government to the SMR and the original criminal file, the Court has determined that the motion must be denied because Defendant does not qualify for consideration. In particular, his guideline range under the new standards is not lower than originally computed guidelines. In fact, the newly applicable guidelines are actually higher for quirky reasons explained in the SMR, and not contested by Defendant. Because Defendant does not meet the threshold requirement for consideration, his motion must be denied.

Accordingly,

**IT IS ORDERED** that Defendant's Motion or Reduction of Sentence pursuant to 18 U.S.C. § 3582(c)(2), Guideline Amendment 750, (docket #106) is **DENIED**.

/s/Robert J. Jonker  
ROBERT J. JONKER  
UNITED STATES DISTRICT JUDGE

Dated: November 16, 2012